

| MANAGEMENT BULLETIN NUTRITION SERVICES DIVISION | | No. 02-702 |
|--|---|-------------------------------------|
| TO: | All Sponsors of National School Lunch, School Breakfast, and Summer Food Service Programs County Superintendents of Schools Diocesan Superintendents of Schools | ISSUE DATE: February 2002 |
| ATTENTION: | Food Services Directors | |
| SUBJECT: | Seamless Summer Feeding Waiver | |
| REFERENCE: | United States Department of Agriculture: WR-CNP Information Memo 02-09 | |

This Management Bulletin transmits information and waiver application material from the United States Department of Agriculture (USDA) regarding an alternative to the Summer Food Service Program (SFSP) known as the "Seamless Summer Feeding Waiver" (SSFW). This waiver simplifies the process for National School Lunch Program (NSLP) sponsors to provide meals to children when school is not in session.

The waiver combines features of the NSLP, the School Breakfast Program (SBP), and the SFSP. By using the SSFW, the paperwork and administrative burden normally associated with participation in the SFSP is significantly reduced. Waiver sites must be located in needy areas where 50 percent or more of the children qualify for free or reduced price school meals. Waiver sites may also be located in non-needy areas, provided that at least 50 percent of the children enrolled in these sites qualify for free or reduced price school meals.

The first step in the process is to submit a non-binding Notice of Intent that will be used to assist the Nutrition Services Division (NSD) in planning and implementation. The NSD would like to receive the Notice of Intent by March 25, 2002. Sponsors not using the waiver but planning to offer a traditional SFSP program during the summer will be required to attend the SFSP annual training scheduled for March/April 2002.

If you are undecided about participating under SFSP or the SSFW, we recommend that you attend the March/April 2002 SFSP training so that you retain both options. There are no training sessions planned for the Seamless Summer Feeding Waiver at this time.

If a School Food Authority (SFA) chooses to operate both a SSFW and an NSLP and/or SFSP, the NSD is requiring multiple meal claim reports – one for the SSFW, and one each for the other program(s). The purpose of this is to evaluate the impact of the SSFW. Additional information regarding the process for reporting this information will be provided at a later date.

The Seamless Summer Feeding Waiver should not be confused with a request to waive California law regarding the serving of meals for Saturday and/or Summer School sessions. The California Board of Education must approve this waiver. It has specific financial and program criteria that must be satisfied showing how offering meals during Saturday and/or Summer School is not feasible.

Complete information regarding the waiver is enclosed with this mailing. The following items are included:

- Notice of Intent
- Comparison of Programs
- Sponsor and Site Information
- Agreement and Conditions – Seamless Summer Feeding Waiver

Due Dates: March 25, 2002 – Notice of Intent
May 1, 2002 – Sponsor and Site Information (Waiver Request)
May 1, 2002 – Agreement and Conditions

We are excited to offer this waiver and encourage NSLP and SBP sponsors to consider taking advantage of this unique opportunity. For more information, please contact your Nutrition Services Division, Child Nutrition Consultant directly, or the Field Services Unit at (916) 323-4558 or (800) 952-5609.

Marilyn Briggs, Director
Nutrition Services Division
Assistant Superintendent of Public Instruction

Enclosures: Notice of Intent
Comparison of Programs
Sponsor and Site Information
Agreement and Conditions - Seamless Summer Feeding Waiver

Seamless Summer Feeding Waiver
for Summer Food Service and National School Lunch Programs

NOTICE OF INTENT

Due Date: March 25, 2002

School District/Agency: _____

National School Lunch Program Agreement No: ____ - ____ - ____ - ____ - ____

Address: _____

Address: _____

Contact Person: _____ Date: _____

Telephone: _____ FAX: _____

Please complete this form and fax it to the Nutrition Services Division (NSD).

_____ We intend to apply for the Seamless Summer Feeding Waiver and submit waiver materials to the NSD by May 1, 2002.

_____ We are undecided whether we will apply for the Seamless Summer Feeding Waiver at this time. We understand we must attend the annual SFSP training in March/April 2002 if we plan to participate in the SFSP for the summer of 2002. We understand that we must apply for the waiver by May 1, 2002.

_____ We will participate in the SFSP in the summer 2002. We understand that we must attend the annual SFSP training in March/April 2002.

_____ Other (explain): _____

If you have questions regarding this Notice of Intent or the Seamless Summer Feeding Waiver, please contact your NSD representative directly or the Field Services Unit at (916) 323-4558 or (800) 952-5609.

Submit this form via FAX to: Rochelle Magness at (916) 445-4842

Comparison of Summer Food Service Program (SFSP) and Seamless Summer Feeding Waiver

| TOPIC | TRADITIONAL SUMMER FOOD SERVICE PROGRAM (SFSP) | NEW SEAMLESS SUMMER FEEDING WAIVER |
|--|---|---|
| Eligible Sponsors | <ul style="list-style-type: none"> Must Demonstrate Financial and Administrative Capability for program operations | <ul style="list-style-type: none"> Same requirement. |
| Types of Sites Eligible | <ul style="list-style-type: none"> <u>Open or Restricted</u> -Open – Based on 50% Free/Reduced Price (F/RP) enrollment of the attendance area of a school or census block-group data. Meals served free. Open to community. <u>Closed Enrolled</u> – 50% of children enrolled in needy or non-needy areas and are eligible for F/RP benefits. Meals claimed by eligibility status of participant. | <ul style="list-style-type: none"> <u>Open or Restricted Sites:</u> - Eligibility same as SFSP. Sites may be schools or non-school settings within the school district boundaries. All meals served free. Open to community. <u>Closed Enrolled Sites - Closed enrolled -</u> Criteria the same as SFSP except program can only be located in non-needy area. |
| Residential Camps | <ul style="list-style-type: none"> Eligible under this program but only for children that qualify for free/reduced price meals | <ul style="list-style-type: none"> Not eligible under this waiver. |
| Application and Budget Requirements | <ul style="list-style-type: none"> Annual application with development and approval of administrative and operational budgets by the State Agency (SA). Keep all receipts for documentation of program expenses and for State/Federal review. Can claim only program specified expenses. | <ul style="list-style-type: none"> Waiver is required per site. All activity conducted under the National School Lunch and the School Breakfast Programs. Eliminates budget requirement. Continues collection and retention of receipts, invoices and travel log requirement. |
| Duration of Approval | <ul style="list-style-type: none"> One Year | <ul style="list-style-type: none"> Approval good through FY 2004 |
| Types of Meals | <ul style="list-style-type: none"> Breakfast Lunch/Supper Snack (supplement) | <ul style="list-style-type: none"> Breakfast Lunch/Supper Snack (Supplement) |
| Maximum Number of Meals per day, by Type, to be Claimed | <ul style="list-style-type: none"> Two Any combination except lunch and supper | <ul style="list-style-type: none"> Two Any combination except lunch and supper |
| Commodities | <ul style="list-style-type: none"> 1.5 cents per lunch/supper served | <ul style="list-style-type: none"> 15.5 cents per lunch served. |
| Reimbursement Rates | <ul style="list-style-type: none"> SFSP operating and administrative rates apply | <ul style="list-style-type: none"> NSLP and SBP rates apply. State Meal funds included. |
| Monitoring Required by SFA (sponsor) | <ul style="list-style-type: none"> Pre-operational monitoring visits. First week monitoring visits. First four weeks of operation visits, and then monitor at a "reasonable" level. | <ul style="list-style-type: none"> Single review within three weeks of start of operations. |
| Monitoring Required by State | <ul style="list-style-type: none"> Subject to review by state at least once every three years (or more frequent based on program size/prior problems identified by state). | <ul style="list-style-type: none"> CRE every five years. At least one seamless site reviewed. |
| Meal Counting | <ul style="list-style-type: none"> At point of service, first and 2% of seconds. | <ul style="list-style-type: none"> At point of service, one meal per child per meal type. |
| Training | <ul style="list-style-type: none"> Required annual State and School Food Authority (SFA) local training of staff. | <ul style="list-style-type: none"> No State required training at this time. SFA local training of staff required. |

Comparison of Summer Food Service Program (SFSP) and Seamless Summer Feeding Waiver (continued)

| TOPIC | TRADITIONAL SUMMER FOOD SERVICE PROGRAM (SFSP) | NEW SEAMLESS SUMMER FEEDING WAIVER |
|------------------------------|--|---|
| Site Change Reporting | <ul style="list-style-type: none"> Report and get prior approval for site changes and field trips. | <ul style="list-style-type: none"> A waiver is required for all site additions Report meal service time changes, Not required to report scheduled field trips Report site closures. |
| Meal Pattern | <ul style="list-style-type: none"> Meal pattern must meet 7CFR 225.16(d) standards (schools may use NSLP/SBP meal patterns). | <ul style="list-style-type: none"> NSLP/SBP meal patterns. Snack meal pattern. |
| Eligible Participants | <ul style="list-style-type: none"> Children 18 years and under in low income areas, and those persons over age 18 who meet the State agency definition of having a mental or physical disability. | <ul style="list-style-type: none"> Same as SFSP. |
| Public Notification | <ul style="list-style-type: none"> Sponsor is required to send public media notice regarding program and eligibility. | <ul style="list-style-type: none"> No public notification required by SFA. Must state in waiver application how each site excluding closed sites will advertise program to community. |
| Claiming | <ul style="list-style-type: none"> Meals multiplied (x) by meal rate OR <u>Actual costs</u>, whichever is less. | <ul style="list-style-type: none"> Claiming procedure used during regular school year. |
| Miscellaneous | <ul style="list-style-type: none"> SFSP meals served did not count toward severe need breakfast and 2 cent differential. | <ul style="list-style-type: none"> Eligible free lunches served during summer month's count towards severe need breakfast and 2-cent differential. Meal caps not required. |

Seamless Summer Feeding Waiver
for Summer Food Service (SFSP) and National School Lunch Programs (NSLP)

SPONSOR AND SITE INFORMATION

Due Date: May 1, 2002

Instructions: Complete and return to the: Nutrition Services Division
560 J Street, Suite 270
Sacramento, CA 95814
Attn: RIM Unit

1. **Read, Complete and sign** the enclosed ***Agreement and Conditions for the Seamless Summer Feeding Waiver***.
2. **Identify the District/Agency requesting the waiver for a site or sites:**

District/Agency Name: _____

NSLP Agreement No: ____ - ____ - ____ - ____

Address: _____

_____ Zip + 4 _____

Name of Authorized Official: _____

Phone Number: () _____

☒ ***Nutrition Programs operated at your district/agency:***

- ☐ National School Lunch Program
- ☐ Child Care and Adult Food Program
- ☐ Summer Food Service Program
- ☐ School Breakfast Program
- ☐ National School Lunch Program – Meal Supplement (snack) Program

☒ ***Distinguishing features of your district/agency:***

- ☐ Large Sponsor > 40,000 student enrollment
- ☐ Urban (Located in a metropolitan statistical area)
- ☐ Rural
- ☐ Direct Certification
- ☐ Provision 1
- ☐ Provision 2
- ☐ Provision 3
- ☐ Other – specify: _____

Seamless Summer Feeding Waiver SPONSOR AND SITE INFORMATION

(continued)

3. Describe the Site to be included in this Seamless Summer Feeding Waiver

Note: This page must be completed for each waiver site. Please duplicate this page when necessary.

- **Site Name:** _____
 - **Address:** _____
 _____ Zip + 4 _____
 - ☒ **Type of Meals** to be provided (choose up to two, per child, per day):
 - ☐ Lunch
 - ☐ Regular Breakfast
 - ☐ Especially Needy Breakfast
 - ☐ Snack
 - **Percent of Free/Reduced Price Enrollment Eligibility** for school meals:

$$\left(\frac{\text{\# Eligible for Free Meals}}{\text{\# Eligible for Free Meals} + \text{\# Eligible for Reduced-Price Meals}} \right) \div \left(\frac{\text{Student Enrollment}}{\text{Student Enrollment}} \right) = \frac{\text{\% Eligible for Free and Reduced-Price Meals}}{\text{\% Eligible for Free and Reduced-Price Meals}}$$
 - ☒ **Type of Site:**
 - ☐ Open (entire community has access)
 - ☐ Restricted-Open (initially open to community, now closed to new participants due to security/staffing issues)
 - ☐ Closed Enrolled (in non-needy areas only)
 - **Name of Organization** that will operate this site for the school district: _____

 - **Estimated Number of Children to be Served:**

$$\left(\frac{\text{Estimated \# of meals}}{\text{Estimated \# of meals}} \right) \div \left(\frac{\text{Estimated \# of days}}{\text{Estimated \# of days}} \right) = \frac{\text{Estimated of children served}}{\text{Estimated of children served}}$$
 - **Describe how this waiver site** (excluding closed-enrolled sites) **will advertise the availability of meal services** (including the hours, days, and weeks that meals will be served) for children in the community.
4. **Attach the sponsor page and the site page(s) to the Agreement and Conditions document and return the request to the Nutrition Services Division.**

Seamless Summer Feeding Waiver
for National School Lunch Program (NSLP) Sponsors

Agreement and Conditions

Please complete and return this document with the ***“Sponsor and Site Information”*** to:
CDE-Nutrition Services Division; 560 J Street, Suite 270; Sacramento, CA 95814
Attention: RIM Unit

The undersigned has read, understands, and agrees to the waiver agreement and conditions described in this document:

NSLP Agreement Number: _____

School Food Authority: _____

Authorized SFA Official (Signature and Title)

Date

FOR CDE USE ONLY

RIM: _____ Date: _____

FSU: _____ Date: _____

Description of the waiver request

The School Food Authority (SFA) seeks approval under the waiver provisions found in section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 12(l)) to operate a Seamless Summer Feeding Waiver in specific locations within its jurisdiction (referred to as *waiver sites*). Waiver sites may be schools or other locations where the Summer Food Service Program (SFSP) meals would normally be served. Waiver sites must be located in needy areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals, **with one exception**. Waiver sites may also be located in non-needy areas, provided that at least 50 percent of the children enrolled in these sites qualify for free or reduced price school meals.

The waiver combines features of the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the SFSP. The purpose of this waiver is to feed children in low-income areas during the summer months (or during extended breaks of a year-round school schedule). This waiver reduces paperwork and administrative burden that is normally associated with operating all three programs. To accomplish this, the SFA requests a waiver of significant portions of the SFSP Federal regulations at 7 CFR Part 225. Specific provisions to be waived are included in this request. In lieu of SFSP regulations that are waived, the SFA will follow corresponding requirements, where applicable, in the NSLP and SBP regulations at 7 CFR Part 210 and 220, respectively.

Special Provisions of the Seamless Summer Waiver

The SFA is committed to serving meals to the children in the community during the summer months (or in year-round school communities, at other times during the year when SFSP meals can be served) where the waiver sites are located and will adhere to the following special provisions:

1. General Program Administration and Sponsor Responsibilities

As required in 7 CFR §225.14(c)(1) of the SFSP regulations, the SFA demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites.

2. Site Eligibility

Waiver sites will be located in needy areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals. All of these sites will be open to the community, except in some cases, participation at an open site may be limited for reasons of safety, security, or control. (Include this sentence if waiver sites will be located in non-needy areas: However, some waiver sites will also be located in non-needy areas in which at least 50 percent of the enrolled children qualify for free or reduced price school meals.) None of these waiver sites are residential camps. No additional sites will operate under these waiver procedures without first receiving approval from the FNS Regional Office.

Schools operating under a traditional school calendar may operate waiver sites during the summer months when summer school is in session, provided that all waiver sites are open to all children (see item 3 below) in the eligible area; these meals will be reimbursed at the free NSLP/SBP rates. However, summer school only sites must operate under the NSLP/SBP and will be reimbursed at the free, reduced price, or paid rates.

Year-round schools may operate waiver sites for off-track students, provided that the sites are open to all children in the eligible area; these meals will be reimbursed at the free NSLP/SBP rates. However, meals for on-track students in year-round schools will be reimbursed at the free, reduced price, or paid rates for NSLP/SBP.

3. Participant Eligibility

All persons meeting the definition of *Children* in the SFSP Federal regulations at 7 CFR, §225.2 may receive meals at waiver sites, on a first-come, first-served basis. This includes all persons in the community who are 18 years of age and under (and as defined at 7 CFR, §225.2, those persons over age 18 who meet the State agency definition of mentally or physically disabled persons).

4. Meal Service

The SFA will follow NSLP meal service requirements for lunch or snacks (7 CFR, §210.10) and SBP meal service requirements (§220.8) for breakfast, **except**:

The number and types of meals will comply with the SFSP requirements at 7 CFR, §225.16(b) **and**

Meals at approved waiver sites will be served free to all children in accordance with 7 CFR, §225.6(e)(4) of the SFSP regulations.

Consistent with these SFSP regulatory provisions and State agency approval, the SFA will serve one or two meals at no charge, including: breakfast, lunch, snack, or supper. However, the SFA will not claim both lunch and supper meals at the same site on the same day.

Consistent with the NSLP and SBP regulations and instructions, the following provisions will apply to

meal service at waiver sites:

The NSLP and SBP meal requirements will be used.

- Second meals are not reimbursable and will not be claimed.
- **Production and menu records will be maintained that show compliance with the meal requirements.**
- The designated lunch period will be between the hours of 10:00 a.m. and 2:00 p.m., unless otherwise exempted by FNS.
- At its option, the SFA may allow “*offer versus serve*” meals at the waiver sites.
- Off-site consumption of meals is not allowed, except as part of a scheduled event such as planned field trip.

5. Claims and Reimbursements

The SFA will claim meals at the “free” rates prescribed by USDA for the NSLP (including snacks) and SBP. The State agency will include these meals under the free category for each type of meal, based on the NSLP regulations at 7 CFR, §210.8 and/or the SBP regulations at 7 CFR, §220.11, using the Form FNS-10, Report of School Program Operations. For evaluation purposes, the State agency will report to FNS the total number of meals served at waiver sites, using the remarks section (item 18) on the FNS-10. All lunches and suppers will receive the standard commodity support rate available for the NSLP.

6. Monitoring

The SFA will review the meal counting, claiming, and meal pattern compliance for each waiver site within three weeks of the start of operations. Additionally the SFA will follow the requirements for site monitoring at 7 CFR, §210.8 of the NSLP regulations.

- Edit Checks
Regarding the requirement at 7 CFR, §210.8(a)(3) for SFA edit checks of the meal count prior to submission of a claim for reimbursement, FNS will provide further guidance in the near future.

7. Additional Reporting/Reviews/Evaluation

- State agency Oversight
The State agency will include waiver sites operated under this waiver in the management review requirements described at 7 CFR, §210.18 of the NSLP regulations. If a CRE is conducted of the SFA, at least one waiver site will be visited while it is in operation. FNS will provide additional CRE guidance.
- FNS Evaluation
FNS reserves the right to conduct an evaluation of these waiver sites. The evaluation may include periodic special reviews. The State agency and the SFA agree to cooperate as necessary, including making all applicable records and operations available for review.
- Additional Reports
FNS may request additional information for evaluation purposes. In the event that additional information on waiver site operation is required, FNS will allow sufficient time for the State agency and the SFA to comply with the request. The State agency and the SFA agree to comply with FNS' requests for additional information for evaluation purposes.

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| Specific Regulatory Requirements to be Waived |
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1. Exempted SFSP Regulations:

To operate the Seamless Summer Feeding Waiver, the SFA requests a waiver from the following regulatory provisions in 7 CFR Part 225:

- 7 CFR 225.6, State agency responsibilities, paragraphs (b), (c), (e), (f), (h); *except paragraphs (e)(4) and (e)(7)*;
- 7 CFR 225.7, Program monitoring and assistance, entire section;
- 7 CFR 225.8, Records and reports, entire section;
- 7 CFR 225.9, Program assistance to sponsors, entire section;
- 7 CFR 225.10, Audits and management evaluations, entire section;
- 7 CFR 225.11, Corrective action procedures, entire section;
- 7 CFR 225.12, Claims against sponsors, entire section;
- 7 CFR 225.13, Appeal procedure, entire section;
- 7 CFR 225.14, Requirements for sponsor participation, entire section; *except paragraphs (c)(1), (c)(2), (c)(3), and (d)(2)*;
- 7 CFR 225.15, Management responsibilities of sponsor, entire section;
- 7 CFR 225.16, Meal service requirement, entire section; *except paragraph (b)*;
- 7 CFR 225.17, Procurement standards, entire section;
- 7 CFR 225.18, Miscellaneous administrative provision, entire section.

2. Non-exempted SFSP Provisions:

The SFSP Federal regulatory provisions, as identified in item 1 above, which remain in force include:

Code of Federal Regulations (7 CFR):

- §225.6(e)(4) Section 225.6 covers State agency responsibilities. Paragraph (e) covers the State-Sponsor Agreement. Paragraph (e)(4) requires that the sponsor agree to serve meals at no cost.
- §225.6(e)(7) Paragraph (e)(7) requires the sponsor to agree to claim reimbursement only for the types of meals agreed upon with the State agency and served without charge to children at approved sites during the approved meal service period. This paragraph also prohibits permanent changes to the serving time of any meal unless approved by the State agency.
- §225.14(c)(1) Paragraph (c)(1) requires that sponsors demonstrate financial and administrative capability to operate the program and requires sponsors to accept final financial and administrative responsibility for the total program operations at all sites.
- §225.14(c)(2) Paragraph (c)(2) requires that sponsors must not have been declared seriously deficient in operating the program.
- §225.14(c)(3) Paragraph (c)(3) requires that sponsors will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist (except for camps).
- §225.14(d)(2) Paragraph (d)(2) requires that meals served in schools must be open to children in the community as well as children enrolled in summer school.

§225.16(b) Section 225.16 covers the meal service requirements, and establishes limits on the number of meals that may be served.

3. NSLP and SBP Regulations

Although the Federal regulations governing the NSLP and the SBP are not exempted under this waiver, some provisions may be difficult to follow for waiver sites. Therefore, FNS [USDA] will provide technical assistance as necessary to the State agency and the SFA in adapting requirements.